

CCRB INVESTIGATIVE RECOMMENDATION

Investigator Assigned: [REDACTED]	Team: Squad #7	CCRB Case # : 201701844	<input type="checkbox"/> Force <input type="checkbox"/> Discourtesy <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Date/Time of Incident: Wed, 03/08/2017 07:10 PM	Location of Incident: In front of 1032 Ogden Avenue	Pct. of Occurrence: 44	Date S.O.L. Expires: 09/08/2018
Date/Time C/V Reported: Thu, 03/09/2017 08:32 PM	C/V Reported At: CCRB	How C/V Reported: On-line website	Date/Time Received at CCRB: Thu, 03/09/2017 08:32 PM

Complainant/Victim	Type	Home Address
1. [REDACTED]	Comp/Victim	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
3. POM Rafael Morales	14062	[REDACTED]	044 PCT

Officer(s)	Allegation	Recommendation
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
F. POM Rafael Morales	Abuse of Authority: Police Officer Rafael Morales searched the vehicle in which [REDACTED] was an occupant.	F. Unsubstantiated
[REDACTED]	[REDACTED]	[REDACTED]

Case Summary

On March 9, 2017, [REDACTED] filed the following complaint via the CCRB online website (Board Review 01). On March 9, 2017, Police Officer [REDACTED] of the 44th Precinct reported the incident to the Internal Affairs Bureau (IAB) to address Mr. [REDACTED] allegation that his property was damaged while in police custody (Board Review 02; 03; 04). The complaint generated original log number 17-8599, and was received at the CCRB on May 16, 2017.

On March 8, 2017, at approximately 7:10 p.m., PO [REDACTED] PO [REDACTED] and PO Rafael Morales, all of the 44th Precinct, stopped Mr. [REDACTED] vehicle as he was double-parked outside of 1032 Ogden Avenue in the Bronx. Mr. [REDACTED] exited his vehicle, at which point PO [REDACTED] frisked and allegedly searched him [REDACTED] PO [REDACTED] also allegedly searched and frisked Mr. [REDACTED] PO [REDACTED] searched Mr. [REDACTED] vehicle, where he recovered a gravity knife [REDACTED] PO Morales also allegedly searched Mr. [REDACTED] vehicle (**Allegation F**). PO [REDACTED] drove Mr. [REDACTED] vehicle to the 44th Precinct Stationhouse and damaged the vehicle [REDACTED] Mr. [REDACTED] was issued a summons for a loud exhaust, and was arrested for possession of a gravity knife (Board Review 05; 06). He was ultimately released with a Desk Appearance Ticket (DAT) (Board Review 07).

Video footage from Express NYC Laundry City, located at 1027 Ogden Ave in the Bronx, showed PO [REDACTED] searching Mr. [REDACTED] vehicle, and showed Mr. [REDACTED] vehicle stop multiple times while being operated by PO [REDACTED] (Board Review 11). Relevant portions of the video footage are embedded below (Board Review 08; 09). The full videos can be found IA #27 (Board Review 10).



201701844_20170519_1202_DM.mp4



201701844_20170519_1213_DM.mp4

Mediation, Civil and Criminal Histories

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Civilian and Officer CCRB Histories

- [REDACTED]
- [REDACTED]
- [REDACTED]
- PO Morales has been a member of the NYPD for nine years. He has one other open CCRB complaint, case 201609960, in which five allegations are pleaded against him. The allegations do not indicate any pattern applicable to this case.
- PO Morales has had nine prior CCRB cases involving nineteen allegations, none of which were substantiated. Among his past allegations were three allegations of vehicle stops and two allegations of vehicle searches, all of which were unsubstantiated. His other past allegations do not indicate any pattern applicable to this case.

• **Prevalence** is the proportion of the population with a disease at a particular point in time.

[illegible]

[REDACTED]

1. **Identify the main topic or purpose of the document.**
 2. **Summarize the key points or findings.**
 3. **Highlight any important data or statistics.**
 4. **Discuss the implications or conclusions.**
 5. **Provide a clear and concise conclusion.**

1. **Introduction**
 2. **Background**
 3. **Methodology**
 4. **Results**
 5. **Discussion**
 6. **Conclusion**
 7. **References**
 8. **Appendix**
 9. **Figure 1**
 10. **Figure 2**
 11. **Figure 3**
 12. **Figure 4**
 13. **Figure 5**
 14. **Figure 6**
 15. **Figure 7**
 16. **Figure 8**
 17. **Figure 9**
 18. **Figure 10**
 19. **Figure 11**
 20. **Figure 12**
 21. **Figure 13**
 22. **Figure 14**
 23. **Figure 15**
 24. **Figure 16**
 25. **Figure 17**
 26. **Figure 18**
 27. **Figure 19**
 28. **Figure 20**
 29. **Figure 21**
 30. **Figure 22**
 31. **Figure 23**
 32. **Figure 24**
 33. **Figure 25**
 34. **Figure 26**
 35. **Figure 27**
 36. **Figure 28**
 37. **Figure 29**
 38. **Figure 30**
 39. **Figure 31**
 40. **Figure 32**
 41. **Figure 33**
 42. **Figure 34**
 43. **Figure 35**
 44. **Figure 36**
 45. **Figure 37**
 46. **Figure 38**
 47. **Figure 39**
 48. **Figure 40**
 49. **Figure 41**
 50. **Figure 42**
 51. **Figure 43**
 52. **Figure 44**
 53. **Figure 45**
 54. **Figure 46**
 55. **Figure 47**
 56. **Figure 48**
 57. **Figure 49**
 58. **Figure 50**
 59. **Figure 51**
 60. **Figure 52**
 61. **Figure 53**
 62. **Figure 54**
 63. **Figure 55**
 64. **Figure 56**
 65. **Figure 57**
 66. **Figure 58**
 67. **Figure 59**
 68. **Figure 60**
 69. **Figure 61**
 70. **Figure 62**
 71. **Figure 63**
 72. **Figure 64**
 73. **Figure 65**
 74. **Figure 66**
 75. **Figure 67**
 76. **Figure 68**
 77. **Figure 69**
 78. **Figure 70**
 79. **Figure 71**
 80. **Figure 72**
 81. **Figure 73**
 82. **Figure 74**
 83. **Figure 75**
 84. **Figure 76**
 85. **Figure 77**
 86. **Figure 78**
 87. **Figure 79**
 88. **Figure 80**
 89. **Figure 81**
 90. **Figure 82**
 91. **Figure 83**
 92. **Figure 84**
 93. **Figure 85**
 94. **Figure 86**
 95. **Figure 87**
 96. **Figure 88**
 97. **Figure 89**
 98. **Figure 90**
 99. **Figure 91**
 100. **Figure 92**
 101. **Figure 93**
 102. **Figure 94**
 103. **Figure 95**
 104. **Figure 96**
 105. **Figure 97**
 106. **Figure 98**
 107. **Figure 99**
 108. **Figure 100**
 109. **Figure 101**
 110. **Figure 102**
 111. **Figure 103**
 112. **Figure 104**
 113. **Figure 105**
 114. **Figure 106**
 115. **Figure 107**
 116. **Figure 108**
 117. **Figure 109**
 118. **Figure 110**
 119. **Figure 111**
 120. **Figure 112**
 121. **Figure 113**
 122. **Figure 114**
 123. **Figure 115**
 124. **Figure 116**
 125. **Figure 117**
 126. **Figure 118**
 127. **Figure 119**
 128. **Figure 120**
 129. **Figure 121**
 130. **Figure 122**
 131. **Figure 123**
 132. **Figure 124**
 133. **Figure 125**
 134. **Figure 126**
 135. **Figure 127**
 136. **Figure 128**
 137. **Figure 129**
 138. **Figure 130**
 139. **Figure 131**
 140. **Figure 132**
 141. **Figure 133**
 142. **Figure 134**
 143. **Figure 135**
 144. **Figure 136**
 145. **Figure 137**
 146. **Figure 138**
 147. **Figure 139**
 148. **Figure 140**
 149. **Figure 141**
 150. **Figure 142**
 151. **Figure 143**
 152. **Figure 144**
 153. **Figure 145**
 154. **Figure 146**
 155. **Figure 147**
 156. **Figure 148**
 157. **Figure 149**
 158. **Figure 150**
 159. **Figure 151**
 160. **Figure 152**
 161. **Figure 153**
 162. **Figure 154**
 163. **Figure 155**
 164. **Figure 156**
 165. **Figure 157**
 166. **Figure 158**
 167. **Figure 159**
 168. **Figure 160**
 169. **Figure 161**
 170. **Figure 162**
 171. **Figure 163**
 172. **Figure 164**
 173. **Figure 165**
 174. **Figure 166**
 175. **Figure 167**
 176. **Figure 168**
 177. **Figure 169**
 178. **Figure 170**
 179. **Figure 171**
 180. **Figure 172**
 181. **Figure 173**
 182. **Figure 174**
 183. **Figure 175**
 184. **Figure 176**
 185. **Figure 177**
 186. **Figure 178**
 187. **Figure 179**
 188. **Figure 180**
 189. **Figure 181**
 190. **Figure 182**
 191. **Figure 183**
 192. **Figure 184**
 193. **Figure 185**
 194. **Figure 186**
 195. **Figure 187**
 196. **Figure 188**
 197. **Figure 189**
 198. **Figure 190**
 199. **Figure 191**
 200. **Figure 192**
 201. **Figure 193**
 202. **Figure 194**
 203. **Figure 195**
 204. **Figure 196**
 205. **Figure 197**
 206. **Figure 198**
 207. **Figure 199**
 208. **Figure 200**
 209. **Figure 201**
 210. **Figure 202**
 211. **Figure 203**
 212. **Figure 204**
 213. **Figure 205**
 214. **Figure 206**
 215. **Figure 207**
 216. **Figure 208**
 217. **Figure 209**

[REDACTED]

[REDACTED]

Allegation F – Abuse of Authority: Police Officer Rafael Morales searched the vehicle in which [REDACTED] was an occupant.

It is undisputed that PO [REDACTED] searched Mr. [REDACTED] vehicle.

Mr. [REDACTED] stated that after being frisked and searched, he stood behind his car with PO [REDACTED] at which time PO [REDACTED] entered Mr. [REDACTED] car via the driver's door. He opened the center console, and looked under the driver seat, passenger seat, and backseat, where Mr. [REDACTED] jacket was. PO [REDACTED] recovered a gravity knife, which Mr. [REDACTED] uses for work, from the inner pocket of the jacket. In his sworn statement, Mr. [REDACTED] stated that while PO [REDACTED] searched the car, PO Morales opened the passenger door and briefly looked around the car with his flashlight but did not enter the car. In his phone statement, Mr. [REDACTED] stated that PO Morales entered his car but did not search the car as aggressively as PO [REDACTED] Mr. [REDACTED] did not allege that PO Morales searched his car in his original statement or his statement to IAB.

PO [REDACTED] stated that he searched Mr. [REDACTED] car in order to determine whether there were any additional narcotics or weapons inside of the car, though there was no indication that Mr. [REDACTED] was in possession of a weapon. During the search, he picked up Mr. [REDACTED] jacket and found a gravity knife. PO [REDACTED] denied that PO [REDACTED] or PO Morales searched the car or touched any contents of the car.

PO Morales denied opening any car doors or searching the car in any way. He did not observe anything that would have led to a search of the car, and PO [REDACTED] did not inform him of anything he'd observed that would lead to the search. PO [REDACTED] had no recollection of any officers being present other than himself and PO [REDACTED]

The footage from Express NYC Laundry City does not clearly capture the passenger side of Mr. [REDACTED] car. It is therefore unclear if any officer searches the car via the passenger side. The footage only shows PO [REDACTED] entering the car via the driver's side.

A vehicle may be searched without a warrant if officers have probable cause to believe that the vehicle contains contraband or evidence of a crime. People v. Smith, A.D. Slip Op 5934 (end Dep't 2012) (Board Review 25). Smelling marijuana emanating from a defendant's vehicle provides officers with probable cause to search the vehicle. People v. Chestnut, 43 A.D.2d 260 (Board Review 24).

[REDACTED]

Mr. [REDACTED] provided inconsistent statements regarding whether or not PO Morales searched his car, and the video footage was inconclusive regarding whether PO Morales did so. PO Morales denied searching the car and saw no reason to search the car, and PO [REDACTED] denied that PO Morales searched the car. Due to the inconsistent and conflicting testimonies, absent witness testimony or additional documentary evidence, the investigation was unable to determine by a preponderance of the evidence whether PO Morales searched Mr. [REDACTED] vehicle. It is therefore recommended that **Allegation F** be closed as **Unsubstantiated**.

[REDACTED]

[REDACTED]

[REDACTED]

Squad: 7

Investigator:

7/7/17
Date

Squad Leader

07/07/17
Date

Reviewer:

Title/Signature

Print

Date